

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ALABAMA  
SOUTHERN DIVISION**

**DEMARCO T. THOMAS,  
AIS 211109,**

**Petitioner,**

**vs.**

**J.C. GILES,**

**Respondent.**

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: **CA 09-0047-CG-C**

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**ORDER**

After due and proper consideration of all portions of this file deemed relevant to the petitioner's motion for leave to appeal in forma pauperis, the Report and Recommendation of the Magistrate Judge made under 28 U.S.C. § 636(b)(3) is **ADOPTED** as the opinion of this court. The court certifies that the petitioner's appeal is not taken in good faith; therefore, the petitioner's motion for leave to appeal in forma pauperis (Doc. 29) is hereby **DENIED**.

**DONE and ORDERED** this the 8<sup>th</sup> day of September, 2009.

/s/ Callie V. S. Granade

CHIEF UNITED STATES DISTRICT JUDGE